



SECTOR 1/8  
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CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to the Asst. Commissioner of Patents, Washington, D.C. 20231, on this 26<sup>th</sup> day of March, 2001.

*Pat Simpson*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of	)	
Gorski, et al.	)	Examiner: Not yet assigned
	)	
Serial No.: 09/755,320	)	Group: Not yet assigned
	)	
Filed: January 5, 2001	)	
	)	
For: GROWTH ARREST HOMEBOX	)	
GENE (AS AMENDED)	)	
	)	
Attorney Docket No.:	)	
22311-04013	)	

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF REISSUE APPLICATION - Filing Date Granted**

Asst. Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Notice to File Missing Parts of Reissue Application dated January 26, 2001, applicants respectfully submit the following:

- (1) original signed Reissue Declaration Under 37 C.F.R. §1.175 executed by co-inventor David H. Gorski;
- (2) original signed Reissue Declaration Under 37 C.F.R. §1.175 executed by the inventor, Kenneth Walsh;
- (3) original signed Consent of Assignee, Offer to Surrender Original Patent, and Statement Under 37 C.F.R. §3.73(b);
- (4) check for \$140 for fees due; and
- (5) copy of Notice to File Missing Parts of Reissue Application.

09755320-010501

If there are any further fees due in connection with this matter, please charge our deposit account 03-0172.

Respectfully submitted,

Date March 26, 2001

Pamela A. Docherty  
Pamela A. Docherty, Reg. No. 40,591  
CALFEE, HALTER & GRISWOLD LLP  
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0975530-010501

01-08-01

Express Mail

ELO 85016485US

Date of Deposit January 05, 2001

I hereby certify that the enclosed is being deposited with the United States Patent and Trademark Office to Addresssee's service.

Please type a plus sign (+) inside this box → ☒Approved for use through 12/30/00 OMB 0651-0033  
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Washington, DC 20231

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## REISSUE PATENT APPLICATION TRANSMITTAL

Angela Suber

Angela Suber

Address to:

Assistant Commissioner for Patents  
Box Reissue  
Washington, DC 20231

Attorney Docket No.

22311-04013

First Named Inventor

Gorski, et al.

Original Patent Number

5,856,121

Original Patent Issue Date  
(Month/Day/Year)

Jan. 5, 1999

Express Mail Label No.

EL085016485US

## APPLICATION FOR REISSUE OF:

(Check applicable box)



Utility Patent



Design Patent



Plant Patent

## APPLICATION ELEMENTS (37 CFR 1.173)

- ☒ Fee Transmittal Form (PTO/SB/ 56)  
(Submit an original, and a duplicate for fee processing)
- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Specification and Claims in double column copy of patent format (amended, if appropriate)
- ☒ Drawing(s) (proposed amendments, if appropriate)
- ☐ Reissue Oath/Declaration (original or copy)  
(37 C.F.R. § 1.175) (PTO/SB/51 or 52)
- Original U.S. Patent currently assigned?  
☒ Yes ☐ No  
(If Yes, check applicable box(es))  
☐ Written Consent of all Assignees (PTO/SB/53)  
☐ 37 C.F.R. § 3.73(b) Statement ☐ Power of Attorney  
(PTO/SB/96)

## ACCOMPANYING APPLICATION PARTS

- ☒ Statement of status/support for all changes to the claims. See 37 CFR 1.173 (c).
- ☐ Original U.S. Patent for surrender  
☐ Ribbonded Original Patent Grant  
☐ Statement of Loss (PTO/SB/55)
- ☐ Foreign Priority Claim (35 U.S.C. 119)  
(if applicable)
- ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☐ English Translation of Reissue Oath/Declaration  
(if applicable)
- ☒ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
- Other: .....

## 15. CORRESPONDENCE ADDRESS



Customer Number or Bar Code Label

or ☐ Correspondence address below

Name

PAMELA A. DOCHERTY 24024

PATENT TRADEMARK OFFICE

Address

City

State

Zip Code

Country

Telephone

Fax

NAME (Print/Type)

PAMELA A. DOCHERTY

Registration No. (Attorney/Agent)

40,591

Signature

PAMELA A. DOCHERTY

Date

Jan. 5, 2000

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Reissue, Washington, DC 20231.

01/05/01

Jc984 U.S. PTO

09755320 010501

Jc986 U.S. PTO  
09755320  
01/05/01

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision

**TOTAL AMOUNT OF PAYMENT (\$1910.00)**

## Complete if Known

Application Number	203,532 (Patent No. 5,856,121)
Filing Date	Feb. 24, 1994 (Issued Jan. 5, 1999)
First Named Inventor	Gorski, et al.
Examiner Name	
Group Art Unit	
Attorney Docket No.	22311-4013

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

03-0172

Deposit  
Account  
Name

Calfee Halter & Griswold LLP

- ☒ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status  
See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit Card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	710.00
114	150	214	75	Provisional filing fee	
<b>SUBTOTAL (1)</b>					<b>\$710.00</b>

### 2. EXTRA CLAIM FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
Total Claims 31 -20** 11 x 80					880
Independent Claims 23 -3** 4 x 80					320
Multiple Dependent Claims					
103	18	203	9	Claims in excess of 20	
102	80	202	40	Independent claims in excess of 3	
104	270	204	135	Multiple dependent claim, if not paid	
109	80	209	40	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>					<b>\$1200.00</b>

\*\* or number previously paid, if greater, For Reissue, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)**

## SUBMITTED BY

Name (Print/Type)	Pamela A. Docherty	Registration No. (Attorney/Agent)	40,591	Complete (if applicable)	
Signature	<i>Pamela A. Docherty</i>	Telephone	(216) 622-8416	Date	January 5, 2001

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